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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/262,754 06/20/94 THOMAS

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ESM1/0709

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EXAMINER

ART UNIT

PAPER NUMBER

2016

 DATE MAILED:
07/09/96

 This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 3/1/96 ☐ This action is made final.

 A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133
Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION1. ☒ Claims 1-16, 20-35 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☒ Claims 17-19 have been cancelled.3. ☐ Claims _____ are allowed.4. ☒ Claims 1-5, 7, 8, 11-13, 22, 23, 25-27, 32-34 are rejected.5. ☒ Claims 6, 9, 10, 14-16, 20, 21, 24, 28-31, 35 are objected to.6. ☐ Claims _____ are subject to restriction or election requirement.7. ☒ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.8. ☐ Formal drawings are required in response to this Office action.
 9. ☐ The corrected or substitute drawings have been received on _____, Under 37 C.F.R. 1.84 these drawings
are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

 10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the
examiner; ☐ disapproved by the examiner (see explanation).

 11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved; ☐ disapproved (see explanation).

 12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application; serial no. _____, filed on _____.

 13. ☒ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in
accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other _____

EXAMINER'S ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 7, 11, 12, 26, 27 are rejected under 35 U.S.C.

§ 102(a) as being clearly anticipated by Nakai (Japanese Patent 5224773).

See the abstract and drawing.

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4. Claims 1-5 are rejected under 35 U.S.C. § 103 as being unpatentable over Nakai.

This reference is cited for reasons given above. It is well known and obvious that a microprocessor is used in a computer to process instructions.

5. Claim 8 is rejected under 35 U.S.C. § 103 as being unpatentable over Nakai in view of Fairbanks et al (5,021,679 cited by applicant).

Nakai is cited for reasons given above. Although Nakai does not teach a voltage controlled oscillator, it is known in the art that a voltage controlled oscillator can be used to generate clock signals as shown by Fairbanks. It would be within the skill of the art to use the voltage controlled oscillator in the system of Nakai since both references are controlling the clock speed of a computer.

6. Claims 13, 22, 23, 25, 32-34 are rejected under 35 U.S.C. § 103 as being unpatentable over Nakai in view of Kenny et al.


Nakai is cited for reasons given above. Although Nakai does not specifically teach a first and second clock frequency, this is well known and obvious and could easily be implemented by one skilled in the art. Kenny teaches the switching between two clocks (col. 6 line 41 to col. 7 line 11) as determined by the temperature of an integrated circuit. In view of Kenny one skilled in the art could easily modify the clock circuit of Nakai to select between two clocks.

7. Claims 6, 9, 10, 14-16, 20, 21, 24, 28-31, 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Heckler whose telephone number is (703) 305-9666.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax number for any correspondence is (703) 308-5359.



THOMAS M. HECKLER
PRIMARY EXAMINER
ART UNIT 237

TH
July 3, 1996